

REMARKS

The application has been amended and is believed to be in condition for allowance.

The Abstract has been replaced.

A substitute specification, and a marked-up copy thereof, are provided. No new matter is entered by way of this amendment. This is in response to the specification objection.

The previously filed IDS was proper as there was provided a legible copy of each cited foreign document as well as a copy of the International Search Report indicating the relevance of each document. Note that even if the filed documents are not free of all reprinting defects, they are legible. Accordingly, the references should be considered. Reconsideration of the IDS is respectfully requested. Should this request not be granted, it is requested that the basis for determining that the copies were not legible be specifically identified.

The claims have been amended responsive to the claim objections, and the rejection under section 112, second paragraph.

Additionally, new claims have been added which are believed to patentably recite the invention, and find support in the specification as originally filed. No new matter is entered by way of these amendments.

Claims 1-2 were rejected as anticipated by HENKE 5,108,148.

Applicant notes that the current rejection of claims 1 and 2 as being anticipated by HENKE is contrary to the assessment made in the International Preliminary Report on Patentability (IPRP) and in the International Search Report (ISR) in which HENKE (WO 9203950 A1, which is similar to US 5,108,148) is considered to represent the general state of the art and thus not relevant to the present invention. As is apparent from the IPRP two further publications D2 and D3 are cited, and both claims 1 and 2 are stated to involve both novelty, inventive step and industrial applicability.

Applicant also notes that patent is granted for the Norwegian priority application (Norwegian Patent No. 317656).

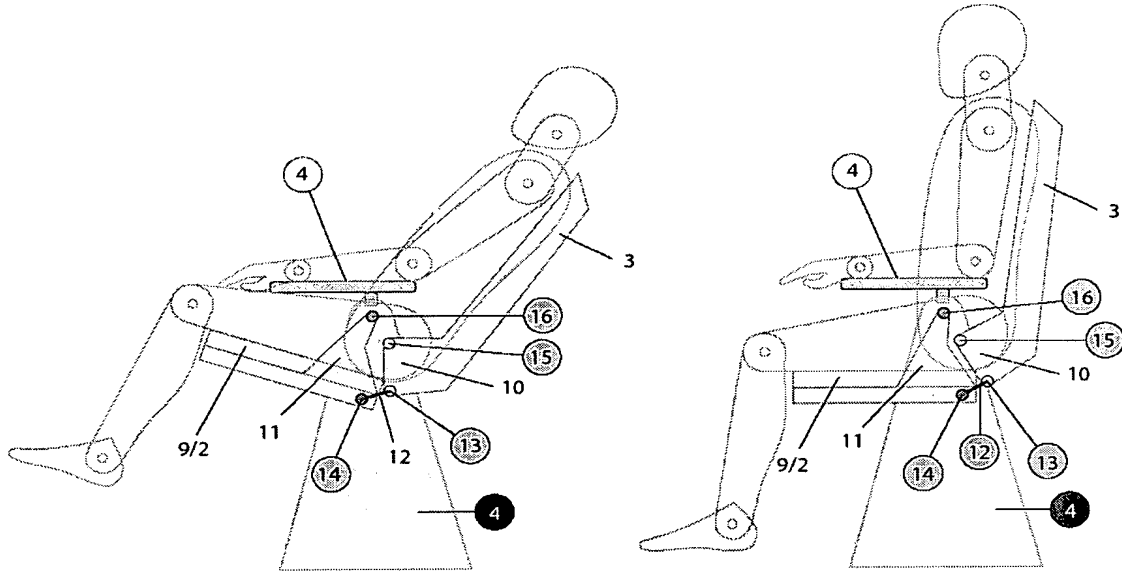
Applicant has again reviewed HENKE and concludes that the rejection is based on the prosecution differences between the U.S. and other countries. Accordingly, the

claims were amended and new claims added which clearly, under U.S. standards, patentably recites the present invention.

As to the rejection, the Official Action regards reference numerals A, 50, B and E of HENKE as satisfying the recitations concerning reference numerals 15, 13, 16 and 14, respectively, of the present invention.

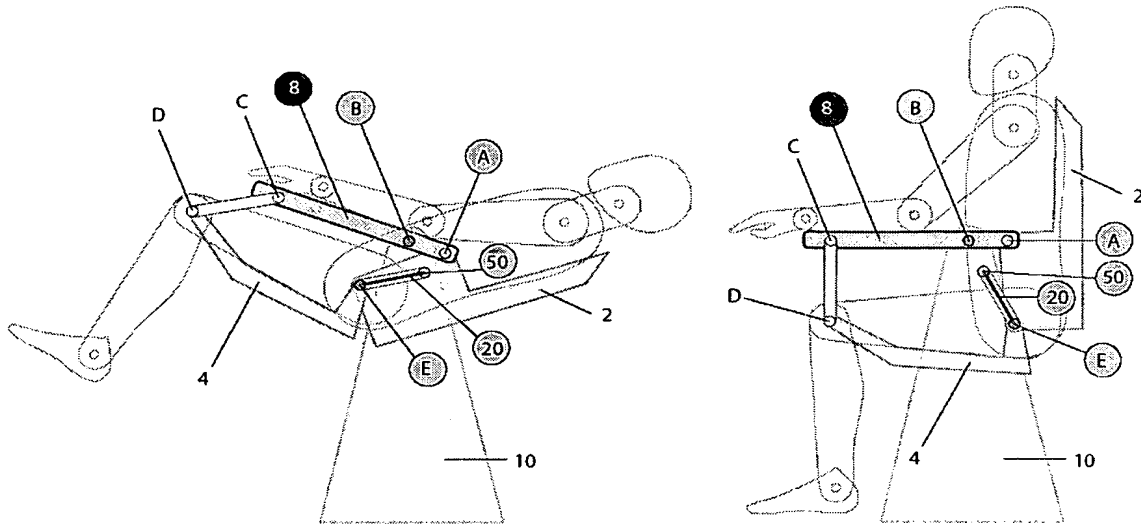
As to this, applicant respectfully submits that the link arm of Henke (Henke 20) does not satisfy the presently recited link arm (12), because it indeed is not the same structure as recited, but rather is a connection between the side member (Henke 10) and the combined back rest/seat pivot point (Henke E).

Consider the disclosed invention, illustrated below:



Application 10/527,162 (Norwegian Patent 317656 and PCT/NO2003/000310)

Next consider the applied HENKE apparatus, below:



Henke / US Patent 5.103.148

The different distances between the pivot points (HENKE B to HENKE E and HENKE A to HENKE 20) has no influence on the angle between the backrest and the seat. This is because the control arm (HENKE 20) is connected to the side member (HENKE 10) and the combined backrest/seat pivot point (HENKE E).

The function and use of the control arm (HENKE 20) is discussed in col. 4, lines 18 to 50 HENKE.

The different angles between the back rest and the seat of HENKE are depending on the distances (HENKE A to E and HENKE C to D), and not the control arm (HENKE 20).

This is how the parallelogram of HENKE (A, E, C, D) works, and which we consider to be pure basic mechanics.

Further, although HENKE may disclose an adjustable chair comprising a seat, a back, and two side members, HENKE does not disclose pivotally supporting the seat and the back, in the manner recited. More specifically, HENKE does not disclose back and seat pivotal supports, link arm connections, together with a link arm connecting one link arm connections to the back and another link arm connections to the seat, thereby providing a kinematic connection kinematically interconnecting the two side members in such manner that an angle between the seat and the back will increase when the back is swivelled backwards about the respective back pivotal support in the side members.

Still further, HENKE does not disclose that the kinematic connection comprises a link connection between the seat and the back, the link connection comprised of the link arm arranged under the respective back and seat pivotal supports so:

- i) that a distance between the back pivotal support (15) and the back link arm connection is less than

a distance between the seat pivotal support and the seat link arm connection, and

ii) that an axis of rotation of the seat through the seat pivotal support in the side members passes essentially through or close to a user's center of gravity.

. Based on these differences, each independent claim is believed patentable.

The features of the dependent claims are also not found in HENKE, and so these claims are also believed patentable.

Based upon the above, applicant respectfully submits that HENKE does not anticipate the features of the presently pending claims.

Allowance of all the claims is solicited.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit

Application No. 10/527,162
Docket No. 3657-1024

any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in black ink, appearing to read 'ROLAND E. LONG, JR.', is written over a horizontal line.

Roland E. Long, Jr. Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REL/mjr

Application No. 10/527,162
Docket No. 3657-1024

APPENDIX:

The Appendix includes the following item(s):

- a Substitute Specification and a marked-up copy of the originally-filed specification
- a new or amended Abstract of the Disclosure